

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DONAHUE A. MILLER,

Petitioner,

vs

9:06-CV-177

CARL B. HUNT, Superintendent of Groveland  
Correctional Facility,

Respondent.

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APPEARANCES:

OF COUNSEL:

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Petitioner, Pro Se  
98-B-1336  
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MICHELLE ELAINE MAEROV, ESQ.  
Asst. Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Petitioner, Donahue A. Miller, brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By a report recommendation dated October 30, 2007, the Honorable Victor E. Bianchini, United States Magistrate Judge, recommended that the petition for a writ of habeas corpus be denied and the petition dismissed. Petitioner has filed timely objections.

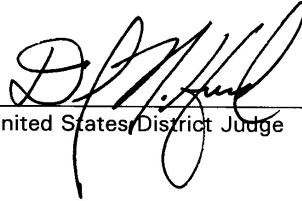
Based upon a de novo determination of the report and recommendation, including the portions to which petitioner objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

Accordingly, it is

ORDERED that the petition is DENIED and DISMISSED in all respects.

IT IS SO ORDERED.

Dated: January 15, 2008  
Utica, New York.

  
United States District Judge